UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1997/NGO/38
14 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 March 1997]

GE.97-10980 (E)

1. We note with deep regret that the human rights record of the Government of Sri Lanka continues to deteriorate at an alarming rate all over the island. The gross violations of the humanitarian law of armed conflict also cause us grave concern. Four areas particularly concern us.

2. First, the government security forces persecute Tamil civilians throughout the Island. This persecution takes the form of extrajudicial killings, disappearances, torture, arbitrary arrest and indefinite detention. Second, there is a functional embargo on food and medicine to the Tamils living in the Wanni area. Third, all Tamils attempting to leave the Wanni are being detained under appalling conditions. Finally, the Government's war strategy in the north-east includes massive and indiscriminate aerial bombing and shelling of Tamil areas.

3. While many specific violations will be documented, it is important to recognize that they all stem from a more basic problem, which is the Government's decision to conduct a war against the Tamil people using an exclusive Sinhala army rather than seeking a political solution which recognizes the existence of the Tamils as a people with a homeland.

4. The Government claims that the war is against the Liberation Tigers of Tamil Eelam (LTTE) and not the Tamil people. But Sri Lanka's methods of war make a mockery of this claim. The government forces are incapable of differentiating between the LTTE and the Tamil civilians, so every Tamil man or woman becomes a suspect in the eyes of the military. The conduct of the Sri Lankan armed forces is akin to drag-net fishing. The lives not required are maimed and thrown back into the ocean with no regard for the damage done.

5. We are constrained to condemn the Government's effective denial of food and medicine to Tamils living in the Wanni area. Because of this policy medicines were not available to treat the recent outbreak of malaria during the rainy season in the Wanni district. Currently the army rather than medical personnel determine the type and quantity of medicines allowed into the Wanni area. There seems to be an intentional policy of debilitating the population living in areas controlled by the LTTE. Since the recent Edibala offensive of the Government, the border was closed and it continues to be closed for any traffic of food and medicines to the Wanni district.

6. The Government detains all Tamils coming out of the Wanni district. These Tamils are detained indefinitely and are kept against their will in camps euphemistically called welfare centres. The Tamils who are forcibly detained in these camps live in appalling conditions. They report overcrowding, the spread of infectious diseases and the absence of adequate sanitary facilities. Further, their unexpected detention without knowledge of what the future holds is a source of anxiety to these Tamils, particularly because they are held without being charged. Their freedom of movement is denied only because of their identity. The Government of Sri Lanka seems to be practising a policy of forced evacuation of the Tamils by bombing and shelling Tamil population centres and then holding them in detention camps.

7. The arbitrary arrest and detention of Tamils in other areas of the country continues unabated. This is particularly a problem in Colombo, where many Tamils have fled to escape the war. Searches of Tamil homes at all times

of the night and day by armed men have become a routine in Colombo. Further, some security personnel repeatedly arrest Tamils for personal profit. The legal framework for such actions is the Prevention of Terrorism Act, which allows for such arbitrary detention and arrests. Many organizations have repeatedly pointed out the Draconian nature of this law, which sanctions abuse of individual rights. The emergency regulations under which the country is administered also facilitate such violations of human rights. The legal remedies for such actions are weak and are often beyond the means of an individual citizen.

8. Several independent reports have documented the continued practice of extrajudicial killings by the Sri Lankan armed forces and also by other armed groups under the control and direction of the army. In February 1996, the armed forces murdered 24 Tamil civilians including 13 women and 7 children under 12 years of age in Kumarapuram in the Eastern province. Twenty-three Tamil youths were killed and their bodies were found floating in lakes around Colombo. These Tamils were taken into custody and then murdered by the special task force set up as a paramilitary force by the Government. In July 1996, the charred body of a Tamil textile merchant detained under the emergency regulations was found in the North Central province. There were many other such cases indicating a fairly widespread practice of arbitrary extrajudicial killing by the security forces.

9. Massive aerial bombing and random shelling from army camps in the north-east also results in the arbitrary killings of Tamil civilians. Numerous deaths of such civilians, including names and ages, have been documented by the LTTE, local Tamil newspapers, TCHR and the Tamil community networks which eventually hear news of friends and relatives. International media organizations are unable to confirm these reports due to the Government's ban on press activity within the LTTE held areas. Nonetheless, such random shelling seems to be designed to terrorize and punish the Tamil people, without any discernible strategic objectives.

10. Credible sources have reported the disappearance of 500 to 700 Tamils from the Northern Jaffna district since the occupation of that area by the government armed forces.

11. The international community was made aware of the rape and subsequent murder of a 18-year-old-girl (a student in Jaffna), Krishanthy Kumaraswamy, who was arrested at an army checkpoint. Her mother, her 16-year-old brother and a neighbour who went inquiring about her to the army also disappeared and were later found to have been murdered by the army. Over 150 other instances of rape and extrajudicial killings attributed to the army and forces under its direction have been reported but have not received the same public attention. Again, the indignities visited on young Tamil women in their movement between the many checkpoints in the Jaffna peninsula by the Sri Lankan armed forces, though appalling, are often unreported because of the fear of reprisals.

12. Torture has been practised by the armed forces on a more intensive and widespread scale during the past year. Though Sri Lanka has acceded to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment in 1994, there has been no effective implementation of its obligations. Whatever commissions that were formed recently have either not started to function or have not been effective.

13. Credible organizations continue to report the extensive use of torture and rape and mistreatment of detainees and other prisoners, both male and female. The torture methods include putting an individual in a gunny bag with rats, applying chili to sensitive parts of the body, use of electric shock, beatings, suspension by the wrists or feet, placing gasoline soaked bags over their head, etc. Gross violations of this kind are the actions of an army which is essentially a hostile occupying force in the north-east. Thus, while individual incidents must be documented and criticized, we urge that this criticism must be accompanied by the more general demand that the armed occupation of the Tamil homeland by a hostile Sinhala army must come to an end.

14. Some international groups have also accused the LTTE of offences including extrajudicial killing and detention of political opponents, though specific information is sparse. In previous years, the LTTE has been accused of killing Sinhala civilians. LTTE has consistently denied this accusation, claiming that those killed were armed Sinhala civilians fighting the LTTE on behalf of the Government. In recent times, many have observed the absence of any such killings by LTTE.

15. We believe that the fundamental cause of the appalling human rights and humanitarian law situation in the island is the conduct of a war by the Government of Sri Lanka designed to deny the Tamil people their right, as a people, to freely associate with the Sinhala people, as a people, on equal terms.

16. The war itself is a continuation of the policy and practice of successive Governments of managing the Tamil population by unleashing violence and State terror against them. The response of the Tamil people to this violence in defence of their lives, their liberty and their property has been used as an excuse by the State to continue its violence against them.

17. We fear that until the Sinhala dominated Government and the Sinhala opposition agree to offer a viable political solution to the Tamil people, violations of humanitarian law and human rights will continue. Unfortunately, the current Sri Lankan policy is to use massive State force to terrorize and subjugate the Tamils in order to impose a solution on them without their consent.

18. In view of this and in order speedily to improve the situation, we urge the following specific actions:

(i) The Government of Sri Lanka should immediately cease its deliberate aerial bombardment and shelling of Tamil civilians and civilian objects.

(ii) The Government of Sri Lanka should immediately lift the ban on food and medicines into areas populated by the Tamil people and take humanitarian issues out of the administrative control of the armed forces.

(iii) The Government of Sri Lanka should immediately stop the policy of detaining every Tamil in the border town of Vavuniya and allow these Tamils free movement within the country.

(iv) The Government of Sri Lanka should either immediately release all political prisoners and others detained without a charge or prosecute these individuals within a reasonable time.

(v) The Sri Lankan armed forces should withdraw from the Tamil homeland and the Government of Sri Lanka should begin negotiations with the LTTE with the assistance of an international mediator.

(vi) The Government of Sri Lanka should allow immediate free access for international persons and the media to LTTE controlled and government controlled areas in the north-east of the island.

19. We urge immediate action. Even as we speak, many individuals are at risk for loss of dignity and life given the disastrous policies of the Goverr.ment of Sri Lanka.

---